

Stephen L. Beshear  
Governor

Robert D. Vance  
Secretary



**Environmental Quality Commission**

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Scott Smith, Chair, *Lexington*  
Gordon Garner, Vice-Chair, *Prospect*  
Andrew Ernest, *Bowling Green*  
Laura Knoth, *Grand Rivers*  
Kimberly McCann, *Ashland*  
Stephanie McSpirit, *Richmond*  
Eugene Zick, *Russellville*

Leonard K. Peters, Secretary  
Energy and Environment Cabinet  
Capital Plaza Tower  
500 Mero Street, 5<sup>th</sup> Floor  
Frankfort, KY 40601

August 6, 2008

Secretary Peters:

The Environmental Quality Commission (EQC) held a meeting on Aug. 4-5, 2008, in Frankfort. One of the agenda items was a discussion of the water quality certification regulations. Ms. Abigail Powell, Division of Water (DOW), briefed the EQC on proposed administrative regulations 401 KAR 9:010E and 9:010. After careful review of the proposed regulations and the Statement of Consideration, the EQC submits the attached recommendation of adoption of the regulations.

Please contact me or Arnita Gadson, Executive Director of the EQC, with questions/comments. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Scott R. Smith".

*Signed, Scott R. Smith*  
*Chairman, Environmental Quality Commission*

cc: Sandy Gruzesky, Director, Division of Water  
R. Bruce Scott, Commissioner, Department for Environmental Protection  
Arnita Gadson, Executive Director, Environmental Quality Commission

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**RECOMMENDATION  
OF THE  
KENTUCKY ENVIRONMENTAL QUALITY COMMISSION  
WATER QUALITY CERTIFICATION PUBLIC NOTICE**

Pursuant to KRS 224.01-100 through 224.04-115, the Environmental Quality Commission shall have the power, duty and authority to:

- Recommend adoption or rejection by a majority of its membership present and voting of any proposal by the Cabinet to adopt, modify or revoke any rule or regulation pertaining to the prevention, abatement and control of existing or threatened air or water pollution, disposal of waste, control of noise, or the use of air, land, or water resources, or strip mining and reclamation.
- The Commission shall tender, in writing, its recommendation of adoption or rejection. If the Cabinet adopts any matter upon the Commission's recommendation of rejection, the Secretary shall file with the Commission a statement of the reason therefore.

**Therefore, on August 5, 2008:**

the Environmental Quality Commission voted unanimously to recommend adoption of the Kentucky Division of Water proposed administrative regulations listed below.

<b>401 KAR 9:010E</b>	<b>Individual Water Quality Certification Public Notice</b>
<b>401 KAR 9:010</b>	<b>Individual Water Quality Certification Public Notice</b>

A handwritten signature in cursive script, appearing to read "Scott R. Smith".

*Scott R. Smith*  
*Chairman, Environmental Quality Commission*

cc: Sandy Gruzesky, Director, Division of Water  
R. Bruce Scott, Commissioner, Department for Environmental Protection  
Arnita Gadson, Executive Director, Environmental Quality Commission